S.B. CIVIL MISC. APPEAL NO. 289/2000

Date : 08.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. S.L. Jain for the appellant.
Mr. R.K. Sighal] for the respondent.
Mr. Rajesh Panwar]

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Heard.

The only point required to be addressed in this appeal is whether a driver who was not holding a renewed license at the time when the accident took place can bind the Insurance company or not ? The driver was a licensed driver earlier. Subsequently, his license was renewed but on the day when the accident took place, the license was not renewed. This court has considered this point in the matter of Smt. Lehri Bai & Anr. Vs. Smt. Meera Kunwar & Ors reported in 2005 (7) RDD 2283 (Raj.) and held that the Insurance company cannot be exonerated. In that view of the matter, the finding of the tribunal to the effect that the Insurance company stands exonerated because the license of the driver was not renewed, cannot be sustained. That being the position, the exoneration of the Insurance company is held to be not maintainable. The award as passed by the tribunal will be made good by the Insurance company.

Learned counsel for the respondent Insurance company submitted that the interest is on the excessive side. Since the liability of Insurance company has occurred now only, it is deemed fit that the rate of interest be reduced to 12%.

With the aforesaid observation, the appeal is disposed of.

(BHAGWATI PRASAD, J.